

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY  
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING  
ATTORNEY FOR CLARK COUNTY JAMES  
M. PETERS, DETECTIVE SHARON KRAUSE,  
SERGEANT MICHAEL DAVIDSON, CLARK  
COUNTY PROSECUTOR'S OFFICE, CLARK  
COUNTY SHERIFF'S OFFICE, THE COUNTY  
OF CLARK and JOHN DOES ONE THROUGH  
TEN,

Defendants.

No. C11-5424BHS

**DECLARATION OF  
KATHLEEN T. ZELLNER IN  
SUPPORT OF PLAINTIFF'S  
RESPONSE TO DEFENDANTS'  
MOTION TO STRIKE  
PLAINTIFF'S SECOND  
SUPPLEMENTAL  
DISCLOSURE AND BAR  
TESTIMONY**

**NOTE ON MOTION  
CALENDAR:  
Friday, February 8, 2013**

Pursuant to 28 U.S.C. § 1746, Kathleen T. Zellner declares under penalty of perjury  
under the laws of the State of Washington and the United States of America that the following  
is true and accurate:

1. I am the attorney of record for Plaintiff Clyde Ray Spencer in the above entitled  
action. I am competent to testify in all respects, and make this declaration from personal  
knowledge.

DECLARATION OF KATHLEEN T. ZELLNER IN SUPPORT  
OF PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO  
STRIKE SECOND SUPPLEMENTAL DISCLOSURE AND BAR  
TESTIMONY (C11-5424BHS) — 1

Kathleen T. Zellner & Associates, P.C.  
LAW OFFICES  
1901 Butterfield Road  
Suite 650  
Downers Grove, Illinois 60515  
630.955.1212 main • 630.955.1111 fax

1 2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt from  
2 Defendant Davidson's deposition taken in this matter on November 5, 2012.

3 3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt from  
4 Defendant Krause's deposition taken in this matter on November 6, 2012.

5 4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt from Shirley  
6 Spencer's deposition taken in this matter on December 6, 2012.

7 5. Attached hereto as **Exhibit D** is a true and correct copy of the email correspondence  
8 sent to opposing counsel on December 17, 2012, and the Declaration of Clyde Ray Spencer  
9 attached thereto.

10 6. Attached hereto as **Exhibit E** is a true and correct copy the email correspondence  
11 sent to opposing counsel on January 9, 2013, and the Second Supplemental Disclosure attached  
12 thereto.

13  
14 SIGNED this 4<sup>th</sup> day of February, 2013 in Downers Grove, Illinois.

15 Respectfully submitted,

16  
17  
18 /s/ Kathleen T. Zellner  
19 Kathleen T. Zellner & Associates, P.C.  
20 Admitted *pro hac vice*  
21 1901 Butterfield Road  
22 Suite 650  
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27 Attorney for Plaintiffs

DECLARATION OF KATHLEEN T. ZELLNER IN SUPPORT  
OF PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO  
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TESTIMONY (C11-5424BHS) — 2

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DECLARATION OF SERVICE

I hereby certify that on February 4, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the attorneys of record as follows:

Patricia Campbell Fetterly Daniel J. Judge Robert M. McKenna Assistant Attorney General Torts Division PO Box 40126 Olympia, WA 98504-0116 Email: patriciafl@atg.wa.gov Attorneys for Defendant James M. Peters	
Guy Bogdanoich Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S. P.O. Box 11880 Olympia, WA 98508-1880 Email: gbogdanovich@lldkb.com Attorney for Defendant Sharon Krause	Jeffrey A. O. Freimund Freimund Jackson Tardif & Benedict Garratt, PLLC 711 Capitol Way South, Suite 602 Olympia, WA 98502 Email: jefff@fjtlaw.com Attorneys for Defendant Michael Davidson

/s/ Kathleen T. Zellner

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Attorney for Plaintiffs

DECLARATION OF KATHLEEN T. ZELLNER IN SUPPORT  
 OF PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO  
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 TESTIMONY (C11-5424BHS) — 3

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# EXHIBIT A



1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF WASHINGTON  
3 AT TACOMA

4 CLYDE RAY SPENCER, MATTHEW )  
5 RAY SPENCER, and KATHRYN E. )  
6 TETZ, )

7 Plaintiffs, )

8 vs. )

NO. 3:11-cv-05424-BHS

9 FORMER PROSECUTING ATTORNEY )  
10 FOR CLARK COUNTY JAMES M. )  
11 PETERS, DETECTIVE SHARON )  
12 KRAUSE, SERGEANT MICHAEL )  
13 DAVIDSON, CLARK COUNTY )  
14 PROSECUTOR'S OFFICE, CLARK )  
15 COUNTY SHERIFF'S OFFICE, THE )  
16 COUNTY OF CLARK and JOHN DOES )  
17 ONE THROUGH TEN, )

18 Defendants. )

19 DEPOSITION UPON ORAL EXAMINATION OF JAMES MICHAEL DAVIDSON  
20  
21  
22  
23  
24  
25

Monday, November 5, 2012  
Olympia, Washington

ZELLNER (James Michael Davidson, 11/5/12)

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1 prosecutor's office was indicated as such, and the Records  
2 Division at the Sheriff's office would ultimately refer  
3 those to the prosecutor's office, correct.

4 Q And, in your experience, would a medical report of the  
5 complaining witness, one of the complaining witnessing, be  
6 sent to the prosecutor's office?

7 A Just making an assumption, I would assume that would be the  
8 case, yes.

9 Q Let's talk about when Ray Spencer was incarcerated after  
10 the February 28, 1985 arrest, that time period. Do you  
11 recall whether or not, while Spencer was in jail, you ever  
12 visited him in the jail?

13 A As I previously stated, I think, in prior testimony, in  
14 1995 specifically, or '96, I have no recollection of  
15 visiting him at all in the jail.

16 Q Does that mean you may have visited him and you don't  
17 remember it?

18 A I don't believe that I did, but I certainly have no  
19 recollection of those events.

20 Q Do you recall ever receiving any contact from any jail  
21 staff concerning your visits to see Spencer?

22 A If I did not go to the jail, if I have no recollection of  
23 going to the jail to see him, I don't recall having any  
24 contacts with jailers in regards to those visits that  
25 didn't exist.

ZELLNER (James Michael Davidson, 11/5/12)

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1 Q Did anyone on the staff at the jail ever contact you or  
2 your department about your visits to Ray Spencer? Whether  
3 they occurred or not, was there ever any contact made  
4 concerning the issue of you visiting Ray Spencer?

5 A Contact with me personally?

6 Q You or your department.

7 A I can't answer for my department. I can only answer for  
8 me, and no.

9 Q So you have no personal knowledge that anyone from the jail  
10 ever contacted anyone in your department about your alleged  
11 visits to Ray Spencer?

12 A That's correct. I don't have any personal knowledge.

13 Q Okay. If Ray Spencer has testified that you came to the  
14 jail, you removed him from the medical area and took him  
15 down and interrogated him, would he be incorrect about that  
16 memory?

17 A First of all, I could not have removed him from the medical  
18 area. That simply didn't happen. The process and the  
19 protocol of the jail would not --

20 Q I'm just asking you -- that's not my question. I'm not  
21 asking you to explain what you think would have happened at  
22 the jail. It's a simple question. I asked you if Ray  
23 Spencer is contending that you were interrogating him at  
24 the jail, regardless of where you interrogated him, that he  
25 is incorrect, that is untrue? That's a "yes" or "no."

ZELLNER (James Michael Davidson, 11/5/12)

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1 A At this point I did not interview him in the jail.

2 Q Okay. Did you ever go to the jail with Detective Krause  
3 for her to go in and see Spencer?

4 A Not to my recollection, no, ma'am.

5 Q Have you -- did you at any time prior to Mr. Spencer's  
6 guilty plea make a statement to him "Your wife used to love  
7 you"?

8 A I have read that in the file. I do not believe that I ever  
9 made that statement, no, ma'am.

10 Q Well, was that true, that his wife used to love him?

11 A From the information that was provided in these reports  
12 that you provided me, there's certainly an indication that  
13 she did.

14 Q That she did love him?

15 A Correct.

16 Q So, at that point in time, you made no such statement to  
17 Ray Spencer, correct?

18 A That's my recollection.

19 Q Did you ever send Shirley Spencer to attempt to get a Power  
20 of Attorney from Ray Spencer?

21 A Can you explain that question a little bit further? Did I  
22 ever send Shirley Spencer? What are you saying?

23 Q Did you ever request -- did you ever request that Shirley  
24 Spencer visit Ray Spencer in the jail and sign a Power of  
25 Attorney? Did you ever make that request?



ZELLNER (James Michael Davidson, 11/5/12)

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1 A No.

2 Q Did you ever send Sharon Krause to the jail to visit Ray  
3 Spencer, for any reason?

4 A I could not specifically recall that happening, no, ma'am.

5 Q Do you recall -- you said you recalled no complaints being  
6 made by the jail staff of your visiting Ray Spencer; is  
7 that correct?

8 A I've read in the file where there was a complaint or an  
9 allegation made by a correction officer that deals with an  
10 officer, not naming me specifically. That was in the file  
11 that you provided me.

12 Q Are you aware of any witness statements that have been  
13 obtained where the witnesses have said you were, in fact,  
14 at the jail visiting Ray Spencer?

15 A I read a statement by or an affidavit by a Mr. Purse, I  
16 believe, in which he indicated that was the case, correct.

17 Q Okay. And is that affidavit untrue?

18 A Yes, ma'am.

19 Q You're positive you never visited the jail --

20 A I have no specific recollection --

21 Q -- to see Ray Spencer?

22 A I visited the jail on a number of occasions.

23 Q No. To see Ray Spencer?

24 A I have no --

25 Q You're telling us --

ZELLNER (James Michael Davidson, 11/5/12)

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1 A I have no recollection of ever visiting Ray Spencer in the  
2 jail. I previously testified to that in 1995.

3 Q You've also testified that you did not visit him at the  
4 jail, correct? Not that you don't recall, but that you  
5 never visited him at the jail?

6 A Correct.

7 Q Do you stand by that testimony?

8 A I do.

9 Q When is the last time you spoke to Shirley Spencer?

10 A For any specific reason?

11 Q Yes.

12 A I recall a phone call conversation somewhere around the  
13 time of the depositions for the federal review in 1995 or  
14 '96. Since that time, I can't recall whether I have seen  
15 her at a function on a social basis or not.

16 Q You can't recall that? You may have seen her at a social  
17 function?

18 A She belonged to a saddle club that I belonged to, and what  
19 I'm saying is that there was -- there were times when I  
20 have observed her. I may have said hello or something of  
21 that nature. We didn't have any long, lengthy  
22 conversations.

23 Q Following your deposition in the habeas matter, did you  
24 have any conversation with her?

25 A I believe that there's an indication that we had a phone

ZELLNER (James Michael Davidson, 11/5/12)

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1 Q And I think you described the fact that Shirley had sold  
2 the house that she and Ray lived in. Do you have personal  
3 knowledge of that?

4 A None other than what she told me.

5 Q But that is true, right? She told you that she had sold  
6 the house, correct?

7 A Prior -- prior to her acquiring the house that she was  
8 living in at the time.

9 Q Right.

10 A Correct.

11 Q And it's your testimony that you had -- you did not make  
12 any effort to persuade her to get the house signed over to  
13 her, to get the deed signed over to her?

14 A I had no involvement in that deed or her -- her personal  
15 property at all.

16 Q So you did not discuss the sale of her house with her?

17 A No.

18 Q And your wife's divorce attorney was James H. Gregg; is  
19 that correct?

20 A Yes, ma'am.

21 Q You're aware that at a certain point in this entire case,  
22 all the way up to today, there were questions about what  
23 had happened with Ray's retirement check from Vancouver?  
24 Were you aware that allegations had been made about that?

25 A Not until I read it in this file I was not.

# EXHIBIT B



UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER, MATTHEW )  
RAY SPENCER, and KATHRYN E. )  
TETZ, )

Plaintiffs, )

vs. )

NO. 3:11-cv-05424-BHS

FORMER PROSECUTING ATTORNEY )  
FOR CLARK COUNTY JAMES M. )  
PETERS, DETECTIVE SHARON )  
KRAUSE, SERGEANT MICHAEL )  
DAVIDSON, CLARK COUNTY )  
PROSECUTOR'S OFFICE, CLARK )  
COUNTY SHERIFF'S OFFICE, THE )  
COUNTY OF CLARK and JOHN DOES )  
ONE THROUGH TEN, )

Defendants. )

DEPOSITION UPON ORAL EXAMINATION OF SHARON KRAUSE

Tuesday, November 6, 2012  
Olympia, Washington

ZELLNER (Sharon Krause, 11/6/12)

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1 that had been forwarded to your department that belonged to  
2 Ray Spencer?

3 A I don't recall anything like that happening.

4 Q Okay. Did you ever visit Ray Spencer or ever go to the  
5 jail while Ray Spencer was incarcerated at the Clark County  
6 jail?

7 A I don't remember ever going up to the jail to see him. I  
8 remember talking to him in our unit, but I don't ever  
9 recall going up to the jail.

10 Q So does that mean that you did not go to the jail?

11 A I don't think I did. I think I would remember it.

12 Q Are you aware that -- of whether Mike Davidson ever went to  
13 the jail to visit Ray Spencer after his arrest?

14 A I'm not aware of that occurring either. I know that Mike  
15 and I talked to Ray Spencer down by the Detective Unit, but  
16 I don't ever remember him going upstairs to the jail to  
17 talk with him.

18 Q When you say you talked to him by the Detective Unit, was  
19 that after he was arrested?

20 A That's correct, or when --

21 Q And what -- go ahead.

22 A -- he took the polygraph. I'm sorry.

23 Q I think we got cut off. What was the end of your answer?

24 A After he was arrested, when he took the polygraph, in  
25 talking to him when he and Shirley came in, I remember

ZELLNER (Sharon Krause, 11/6/12)

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1 those conversations, or those conversations took place in  
2 that area, but I don't ever remember going upstairs to talk  
3 to him in the jail, and I don't remember that Mike Davidson  
4 did.

5 Q Okay. So you don't have a memory of it?

6 A No, I don't.

7 Q Okay. So it may have occurred, you don't remember it?

8 A I think if it occurred, I'd remember it.

9 Q Okay. Let's look at Exhibit 20. Can you tell me --

10 MR. BOGDANOVICH: Do you need to take a break?

11 THE WITNESS: (Shakes head).

12 Q -- identify that for the record?

13 A 20? It's a report I dictated, typed for me, and it was  
14 2/20/85, suspect interview.

15 Q And is that, again, an accurate report of your interview?

16 A It should be, yes.

17 Q And then let's go to 21. Can you identify that for me?

18 A Minus all handwriting on it. It's a report I prepared --  
19 dictated. It was prepared for me or typed, dated 3/7/85,  
20 Interview with Victim, interview with Matthew Alan Hansen.

21 Q And, again, is that an accurate rendition of your interview  
22 with Matthew Hansen, the quotes and everything else?

23 A Yes. Yes.

24 Q Is that "yes"?

25 A Yes.

# EXHIBIT C



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY )  
SPENCER and KATHRYN E. TETZ, )

Plaintiffs, )

vs. )

No. 11-cv-05424-BHS

FORMER DEPUTY PROSECUTING )  
ATTORNEY FOR CLARK COUNTY JAMES )  
M. PETERS, DETECTIVE SHARON )  
KRAUSE and SERGEANT MICHAEL )  
DAVIDSON, )

Defendants. )

VIDEOCONFERENCE DEPOSITION UPON ORAL EXAMINATION  
OF  
SHIRLEY JEAN SPENCER

DATE TAKEN: December 6, 2012  
TIME: 9:00 a.m.  
PLACE: 613 W. 11th Street  
Vancouver, Washington

COURT REPORTER: Teresa L. Rider, CRR, RPR, CCR

Rider & Associates, Inc.

360.693.4111

SHIRLEY JEAN SPENCER 12.06.12

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1 economy wasn't doing real good and I never could sell  
2 it. And I couldn't live there anymore, either.

3 Q. So what happened to the house, was it rented?

4 A. Huh-uh. My son and his friend lived in it  
5 while I had it listed for sale. And I couldn't sell it,  
6 so the realtor paid me \$5,000 and took it over.

7 Q. Now, you say that the house ended up being  
8 titled in both names. When you sold the house, how did  
9 you sell it without Mr. Spencer's signature or signing  
10 over his claim on the house?

11 MR. DUNN: I have to object, Counsel. It's  
12 assuming that's what happened, and it's not accurate.

13 MS. ZELLNER: Well, let's let her answer the  
14 question, and then we'll correct any inaccuracies.

15 BY MS. ZELLNER:

16 Q. How did you sell the house with his name on the  
17 title?

18 A. I didn't sell the house. I said the realtor  
19 took it over.

20 But what I did was I took a quitclaim deed down  
21 to the sheriff's office. Mrs. Krause gave it to Mr.  
22 Davidson to see if he could have Ray sign it. Ray  
23 refused to sign it at that time. And he did sign it,  
24 and I don't even remember why, how or when, but, I mean,  
25 I got the date, August 16th of -- was it '84, '85? --

SHIRLEY JEAN SPENCER 12.06.12

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1 I've got the dates written down. But he did sign the  
2 quitclaim and the realtor took the house over.

3 Q. And you say that Sharon Krause -- explain that  
4 to me, she took the deed to Ray Spencer?

5 A. No, to -- gave it to Mike Davidson to see if he  
6 would take it up there, up to jail.

7 Q. And then did Mike Davidson take the deed up to  
8 jail to get the signature?

9 A. He did. But he said he wouldn't sign it.

10 Q. And then you say later he did sign it, right?

11 A. Later, yeah. I don't remember if it was around  
12 the time of the divorce. I don't remember.

13 Q. And who got that signature from Ray Spencer?

14 A. I honestly can't remember that part.

15 Q. Was Ray Spencer already in prison at that time?

16 A. On the 16th of '85? Yeah. I can't remember if  
17 he mailed it or what he did. I don't know. You can  
18 check with the auditor's office. They have his  
19 signature.

20 Q. And that's what I was going to ask you. Did  
21 you actually see the document with his signature on it?

22 A. I think I used to have a copy, but I didn't go  
23 down to the auditor's office when I called for dates  
24 down there. They just gave me the date that he had  
25 signed it.



SHIRLEY JEAN SPENCER 12.06.12

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1 Q. Did you recognize his signature on the  
2 document?

3 A. Ma'am, I don't remember.

4 Q. Okay. So if we obtain that document, though,  
5 we will see Ray Spencer's signature on it, right?

6 A. I'm sure you will.

7 Q. So what I want to do now in group Exhibit A,  
8 there's a chart that we've prepared of statements that  
9 have been attributed to you over the years. And I want  
10 to go through -- I don't know if we'll go through all of  
11 them, but I want to go through some of them to see if  
12 those statements are accurate.

13 And what I've done is I've tabbed each  
14 statement with the Bates stamp number where we found  
15 that statement. But my purpose in asking you these  
16 questions is if you can just confirm for me whether the  
17 statement is accurate.

18 So Statement No. 1 says: When Ray was first  
19 treated at Oregon Health Sciences University, the  
20 nursing notes indicate that Ray stated, Shirley "today"  
21 on November 15th, 1984, informed him that she wanted a  
22 divorce.

23 So my question is is that accurate, that around  
24 that time period when Ray was at the Oregon Health  
25 Science University you told him that you wanted a



SHIRLEY JEAN SPENCER 12.06.12

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1 check is when we had a joint checking account and I was  
2 paying bills.

3 Q. And am I correct that you never took possession  
4 of any checks related to his retirement; is that  
5 correct?

6 A. That's correct.

7 Q. You never deposited any retirement check of Ray  
8 Spencer's in any account?

9 A. I don't even remember seeing his retirement  
10 check.

11 Q. Okay. And you don't remember depositing any of  
12 Ray Spencer's checks from any other source in any  
13 account, correct?

14 A. They wouldn't have come to me. No, I don't  
15 remember it.

16 Q. At any point in time did you become aware,  
17 after Ray's arrest in February, that Michael Davidson  
18 was visiting Ray at the jail?

19 A. The only time I know of is when he took my  
20 deposition up there for me.

21 Q. I'm sorry. I'm not following.

22 A. Excuse me. I don't mean deposition. I mean  
23 quitclaim deed.

24 Q. And just so -- Detective Davidson took the  
25 quitclaim deed from you into the jail?

SHIRLEY JEAN SPENCER 12.06.12

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1 A. Yes. I took it to Sharon Krause and she gave  
2 it to Mike Davidson and he took it up there. He came  
3 back and said he wouldn't sign it.

4 Q. Okay. And why did you give the quitclaim deed  
5 to Sharon Krause?

6 A. Because I didn't want to see Ray and I hadn't  
7 had any contact with him. And I didn't want to go to  
8 the jail.

9 Q. So you asked Sharon Krause if she could take  
10 the quitclaim deed?

11 A. Yes.

12 Q. And then how did you learn Detective Davidson  
13 took the quitclaim deed to Ray Spencer?

14 A. I was there. I gave it to Sharon. Sharon  
15 asked Mike if he would take it up. He took it up. He  
16 came back and gave it back and said he wouldn't sign it.

17 Q. Okay. When you say you were there, were you in  
18 the sheriff's office?

19 A. Yeah. I was in Sharon's cubicle, yeah.

20 Q. At any other time are you aware of whether  
21 Sharon Krause or -- whether Sharon Krause got any  
22 documents in to Ray Spencer at the jail?

23 A. I have no clue.

24 Q. Are you aware of whether a power of attorney  
25 was taken to the jail by Michael Davidson for Ray 's

SHIRLEY JEAN SPENCER 12.06.12

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1 signature?

2 A. For a power of attorney for what? I don't  
3 understand. I don't remember a power of attorney.

4 Q. So you're not aware of a power of attorney  
5 being taken to Ray Spencer for signature.

6 A. I'm not aware of it, no. I don't remember if  
7 there ever was any power of attorney for who, what or  
8 where.

9 Q. After Ray Spencer goes to prison, where are you  
10 living?

11 A. I lived in my house that I bought in 1977 until  
12 2005, May of 2005.

13 Q. And after Ray Spencer went to prison --

14 MS. FETTERLY: Excuse me. She said 2005. I  
15 assume she meant 1985.

16 THE WITNESS: Yeah, 1985. Sorry.

17 BY MS. ZELLNER:

18 Q. Did anyone else live in the Lucia Falls house  
19 with you after Ray Spencer went to prison?

20 A. My son, Ralph, and his friend. I think his  
21 name was Squires, Bill Squires or something like that.  
22 They lived in there.

23 Q. Where does your son, Ralph, currently live?

24 A. In Hazel Dell, Washington.

25 Q. Do you know his address?



SHIRLEY JEAN SPENCER 12.06.12

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1 A. Not offhand, no.

2 Q. Do you know the street name?

3 A. I just know where I go. I don't pay attention.  
4 It's right off Highway 99 in Hazel Dell.

5 Q. How old is Ralph?

6 A. 50.

7 Q. And you said his friend's name was Bill  
8 Squires?

9 A. I think that's what it was. I'm not sure.

10 Q. Do you have any idea where Bill Squires is  
11 today?

12 A. He's deceased, committed suicide.

13 Q. When did you move out of the Lucia Falls house?

14 A. 1985, 5 of 1985, which would be May of '85.

15 Q. And where did you move?

16 A. To a house across the river.

17 Q. Does the house across the river have an address  
18 that you remember?

19 A. Yeah. Can I get it out?

20 Q. Sure.

21 A. I don't remember it on the top of my head, but  
22 I have it written down.

23 Q. Okay.

24 A. It's 18308 N.E. Cole Witter, C-o-l-e, another  
25 name Witter, Road, Battle Ground, Washington.



SHIRLEY JEAN SPENCER 12.06.12

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1 Q. Thank you.

2 And then when you moved to the house on Cole  
3 Witter Road, do you live there with anybody else?

4 A. Mike Davidson moved in around the fall.

5 Q. You're talking about the fall of 1985?

6 A. Yes, I think it was. That was June. Yeah,  
7 fall, it was right after that.

8 Q. And then how long do you live in that house on  
9 Cole Witter Road with Mike Davidson?

10 A. On and off for two or three, four years. I  
11 couldn't even tell you. It's so long ago. I don't have  
12 dates. It's not something I remember, dates. It was on  
13 and off, though, for at least a couple of years.

14 Q. And then do you move somewhere else with  
15 Detective Davidson?

16 A. No, he moved out.

17 Q. Do you remember giving statements previously  
18 that your relationship with Davidson lasted about five  
19 years?

20 A. Well, I wasn't sure. I couldn't remember  
21 exactly, two, three, four, five years. I don't know. I  
22 don't keep track of all that.

23 Q. But you're aware, aren't you, from looking at  
24 past statements that you've made that you've said five  
25 years?

SHIRLEY JEAN SPENCER 12.06.12

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1 A. Yeah, I'm aware of it.

2 Q. And then what year is it, is it 1989 when you  
3 part company with Detective Davidson?

4 A. It could have been around there. Like I said,  
5 I don't keep track of it. I don't know.

6 Q. Why did you split up with Detective Davidson?

7 A. Because there was a lot of issues with Matt and  
8 I, a lot of anger and a lot of, you know, we're upset  
9 all the time and mistrust, you know. It just wasn't  
10 working for us.

11 And I really wasn't in love with him, I guess,  
12 because when we started dating in June, it was mainly  
13 somebody to lean on, I guess, you know. I was so  
14 confused and upset and so was Matt.

15 Q. When you say -- you said that Matt had some  
16 problems with anger and --

17 A. Yeah, a lot of issues.

18 Q. What were the issues?

19 A. He'd hit and push and cry and stuff like that.

20 Q. Where does Matt Hansen live today?

21 A. He lives in a little place on my property.

22 Q. And how would you describe your relationship  
23 with Matt Hansen as of today?

24 A. We have a good relationship.

25 Q. How old is he now?

SHIRLEY JEAN SPENCER 12.06.12

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1 loan that you had to take?

2 A. About 43,000.

3 Q. And then when you added that to -- I take it  
4 you still owed money on your first loan that you took  
5 out to buy the house; is that right?

6 A. Yes.

7 Q. Approximately how much debt did you then have,  
8 you and he then have on the house?

9 A. What do you mean? How much all together?

10 Q. Right, all together.

11 A. I don't know.

12 Q. Well, would it have been 70, \$80,000 range?

13 A. Right in there somewhere. And then he insisted  
14 on a garage, so that was another loan.

15 Q. So by this time, you went from owing maybe  
16 30-some-thousand on the house or maybe less to close to  
17 80,000 on the home. Would that be accurate?

18 A. That's accurate.

19 Q. And did it require both your income and his  
20 income to make the payments on that now close to \$80,000  
21 loan?

22 A. Yes, ma'am.

23 Q. Now, did Mr. Spencer contribute any cash toward  
24 the remodel of your home or the improvement of your  
25 home?



SHIRLEY JEAN SPENCER 12.06.12

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1 A. Absolutely none. He didn't own anything. He  
2 didn't have any money to put anything down on it.

3 Q. So this remodel was financed entirely by you  
4 and he jointly taking out this second mortgage; is that  
5 correct?

6 A. Right.

7 Q. Did this result in considerably higher monthly  
8 mortgage payments than you had before? I think you said  
9 before it was 300 a month.

10 A. Yeah, it brought it up another 300, and I can't  
11 remember exactly. And then the garage on top of that.

12 Q. After Mr. Spencer was in jail and was not  
13 receiving -- and had been terminated, I take it by the  
14 Vancouver Police Department, and you had to rely solely  
15 on your income, could you afford those payments?

16 A. I made them, but it was a struggle. I went  
17 under financially. I couldn't keep it up.

18 Q. Is that why you wanted to list the home?

19 A. Yeah.

20 Q. At the time -- excuse me --

21 A. Yes.

22 Q. -- go ahead. Was that what you were responding  
23 with?

24 A. Part of it was because the payments were so  
25 high and I made around 20,000 a year, if I remember.



SHIRLEY JEAN SPENCER 12.06.12

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1 Q. Since Mr. Spencer's name was now on the house  
2 title, were you able to even sell it without first him  
3 quit -- signing a quitclaim deed?

4 A. I wasn't able to sell it, period. Things  
5 weren't moving right then. And I couldn't afford to  
6 stay there. And emotionally it was really hard to stay  
7 there for Matt and I and so I had it listed.

8 And the realtor offered me \$5,000 for the house  
9 and I took the 5,000 and he took it over. My son and  
10 his friend that I named, Bill, they were living in the  
11 house up until the time that he took it over.

12 Q. So when Mr. Spencer made statements in the past  
13 that Mr. Davidson moved in with you into his house,  
14 meaning Mr. Spencer's house, is that really accurate?

15 A. It's not accurate at all. He never lived in  
16 that house, ever, meaning Mike Davidson.

17 Q. And is it correct that Mr. Spencer hadn't  
18 really had any ownership in that house for any lengthy  
19 period of time? Would that be accurate?

20 A. We were in there about maybe eight months,  
21 maybe, ten months, somewhere in that area, before he  
22 went to jail.

23 Q. And other than possibly assisting with the  
24 house payments, Mr. Spencer never put any money into  
25 that house, which had previously belonged solely to you.

# EXHIBIT D



Kathleen Zellner <kathleen.zellner@gmail.com>

---

**Spencer v. Peters et al.**

1 message

---

Kathleen Zellner <kathleen.zellner@gmail.com>

Mon, Dec 17, 2012 at 6:28 PM

To: "Fetterly, Patricia (ATG)" <patriciaf1@atg.wa.gov>, Guy Bogdanovich <gbogdanovich@lldkb.com>, Jeff Freimund <JeffF@ftlaw.com>

Bcc: "Zellner, Kathleen" <kz1234@aol.com>

Counsel,

As a supplement to our prior document production, attached please see documents bates stamped Spencer005996-006063. Hard copies will follow via U.S. mail.

Sincerely,

Kathleen T. Zellner

—  
Kathleen T. Zellner & Associates  
Esplanade IV  
1901 Butterfield Road  
Suite 650  
Downers Grove, Illinois 60515  
(630) 955-1212



Spencer005996-006063.pdf  
14855K

03/11/2008 08:05 3108378600

ONE STOP SERVICES

PAGE 01/02

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

FORMER DEPUTY PROSECUTING  
ATTORNEY FOR CLARK COUNTY JAMES  
M. PETERS, DETECTIVE SHARON KRAUSE,  
and SERGEANT MICHAEL DAVIDSON,

Defendants.

No. C11-5424BHS

DECLARATION OF CLYDE  
RAY SPENCER

Pursuant to 28 U.S.C. § 1746, Clyde Ray Spencer declares under penalty of perjury under the laws of the State of Illinois and the United States of America that the following is true and accurate:

1. My name is Clyde Ray Spencer. I am the Plaintiff in the above-captioned matter. I have direct and personal knowledge of the facts stated in this declaration, and will testify to them if called upon to do so.

2. I have reviewed a photocopy of the check issued to me by State of Washington dated February 20, 1985 in the amount of \$12,994.51. I have also reviewed a photocopy of the

DECLARATION OF CLYDE RAY SPENCER  
(C11-5424BHS) — 1

Kathleen T. Zollner & Associates, P.C.  
LAW OFFICES  
1901 Butterfield Road  
Suite 550  
Puyallup, WA 98148

Spencer006056



1 back of the check which has a signature of "Clyde R. Spencer." A true and correct copy of the  
2 front and back of the check I reviewed is attached as Exhibit A to this declaration.

3 3. The signature on the back of the check in Exhibit A is a forgery. I did not sign  
4 the check, nor did I give anyone permission to sign my name.

5 4. I have also reviewed an "Affidavit of Forged Endorsement," a true and correct  
6 copy of which is attached as Exhibit B to this declaration. I recognize my signature on the  
7 affidavit.


8 5. I filled out and signed the Affidavit of Forged Endorsement on July 22, 1985,  
9 after I learned that my name had been forged on the above-described check.

10 6. I have also reviewed a copy of a quitclaim deed purported to be signed by me as  
11 Grantor for the property located at 17681 Lucia Falls Road in Yacolt, Washington dated March  
12 15, 1985. A true and correct copy of the deed I reviewed is attached as Exhibit C to this  
13 declaration.

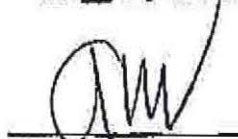
14 7. The signature "Clyde Ray Spencer" is a forgery. I did not sign the deed, and I  
15 did not have anyone permission to sign my name.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 DATED this 12<sup>th</sup> day of December, 2012 in Downers Grove, Illinois

18   
19 Clyde Ray Spencer

20 Signed and Subscribed to Before Me  
21 this 17<sup>th</sup> day of December, 2012

22   
23 Notary Public



25 DECLARATION OF CLYDE RAY SPENCER  
26 (C11-5424BHS) — 2  
27

Kathleen T. Zollner & Associates, P.C.  
LAW OFFICES  
1901 Bellfield Road  
Burbank 650  
Phone: (818) 241-1111

STATE OF WASHINGTON  
OFFICE OF STATE TREASURER  
OLYMPIA

WARRANT NUMBER 448918J  
98-557  
1251

FUND 879 SYS 8 565-70-8292

SUB. AGY.

MO. DAY YR

02 20 85

3-11-85  
B3



PAY TO THE ORDER OF

PAID MAR 11 1985 07950 PAID

DC	REG. NO.	AGENCY	WARRANT NO.
5	01617	124	448918J

PAY THIS AMOUNT	
DOLLARS	CENTS
\$12,994.51	

03-08-85 55002842 05 203122023

SPENCER, CLYDE R  
17681 LUCIA FALL RD  
YACOLT WA 98675

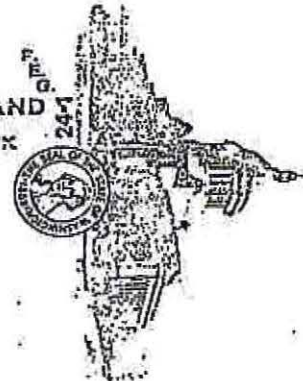
ROBERT S. O'BRIEN, STATE TREASURER

44891810 125105576

0001299451

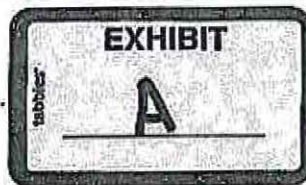
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03-08-85 55002842 05 125105576  
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203122023

NR 85 09  
FBI PORTLAND  
1250-0001-3  
PAY ANY BANK



550004210

550002912





## AFFIDAVIT OF FORGED ENDORSEMENT

STATE OF WASHINGTON

COUNTY OF \_\_\_\_\_

565-70-8292

01617

879

FUND

WARRANT NO. 448918J

I, Clyde R Spencer being the rightful owner of the State of Washington's Warrant No. 448918J dated 2-20 1985, in the amount of \$12,994.51 dollars, do hereby certify that my name as signed on the back of the said warrant is a forgery, and that I have not received nor endorsed the said warrant; neither have I been benefited in any way from the proceeds therefrom.

Clyde Ray Spencer  
Payee

Witnesses if signed by "X"

Name

Name

IMU SOUTH RM-E-205

PO BOX 900

SHELTON, WA 98584

Address

Address

Subscribed to and sworn before me this 22 day of July 1985.

Larry L. Fleming  
Notary Public in and for the State of  
Washington, residing at Shelton Wa

EXHIBIT

B





PIONEER NATIONAL  
TITLE INSURANCE

A TICOPI COMPANY

Filed for Record at Request of

AFTER RECORDING MAIL TO:

Carl F. Burkheimer Jr.

10011 N.W. 11th Ave.

Vancouver, Wa. 98685

THIS SPACE RESERVED FOR RECORD'S USE.

8509250154

REVENUE STAMP

### Quit Claim Deed

THE GRANTOR, SHIRLEY SPENCER, AS HER SEPARATE ESTATE

for and in consideration of: ASSUMPTION OF DEBT ONLY

conveys and quit claim to CARL F. BURKHEIMER JR. and RUTH BURKHEIMER,  
Husband and wife

the following described real estate, situated in the County of Clark

State of Washington including any interest therein which grantor may hereafter acquire

Beginning at a point in the center of the Vancouver-Yacolt Road at the intersection of said County Road and the East line of the Southwest quarter of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian, in Clark County, Washington; running thence Easterly 75 feet, more or less, along said County Road; thence South to the North bank of the East Fork of the Lewis River; thence Westerly along the North bank of said River; 75 feet, more or less; thence North to the point of beginning; said tract to be 75 feet wide East and West.

ALSO, beginning at a point in the center of the County Road which is 75 feet East of the center line of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian; thence South to the North bank of the East Fork of the Lewis River; thence Easterly 25 feet, more or less, along the North bank of the River; thence North to the center of the County Road; thence West to the point of beginning. Said tract to be 25 feet wide at any point.

ALSO, beginning at a point located in the center of the Yacolt-Battle Ground Highway; said point being on the East line of that certain tract of land at this date owned by Roy Lane and described as follows:

All that portion of the Southwest quarter of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian, lying North of the East Fork of the Lewis River in Clark County, Washington; thence South to the North Bank of said Lewis River; thence Westerly along the Lewis River 40 feet; thence North to the center of the above Yacolt-Battle Ground Highway; thence East 40 feet to the point of beginning.

EXCEPT County Roads.

ALSO, the West 15 feet, measured at right angles to the West line thereof, of that portion of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian in Clark County, Washington, described as follows:

Beginning at a point on the Southerly line of County Road No. 12 that is 1217.02 feet West of the East line of the Northwest quarter of said Section 18; said point being the Northwest corner of the Lawrence C. Larkin and Lilo L. Larkin tract, as described in deed recorded under Auditor's File No. G 553620; thence Westerly along the Southerly line of said County Road No. 12, a distance of 33 feet, more or less, to the Northeast corner of the Shirley J. Turley tract, as described in deed recorded under Auditor's File No. 7709290041; thence South along the East line of said Turley tract to the North bank of the East Fork of the Lewis River; thence Easterly along the North bank of said River to the West line of the said Larkin Tract; thence North along said West line, 99 feet, more or less, to the point of beginning.

EXHIBIT

C



Attached

FILED FOR RECORD  
*Carl Courkheimer*  
SEP 25 4 21 PM '85  
NOTARY  
DAVID HICKNER

Dated this

25th

day of

September, 1985.

*Shirley J. Spencer* (SEAL)  
\_\_\_\_\_  
(SEAL)

STATE OF WASHINGTON, }  
County of Clark }

0972

I, the undersigned, personally appeared before me **Shirley Spencer**  
the individual described in and who executed the within and foregoing instrument, and  
she signed the same as her free and voluntary act and deed, for the  
purpose and intent therein mentioned.

Given under my hand and official seal this 25th day of September, 1985

*Shirley J. Spencer*  
Notary Public in and for the State of Washington,  
Holding Office at \_\_\_\_\_



TO CLEAR TITLE ONLY

8508160171

QUIT-CLAIM DEED  
(Statutory Form)

THE GRANTOR( ) CLYDE RAY SPENCER  
 of 17681 Lucia Falls Road, City of Yacolt  
 County of Clark, Washington, for and in consideration of  
love and Affection and to clear title  
 convey and quit-claim to SHIRLEY SPENCER as her separate estate  
 of 17681 Lucia Falls Road  
 in the City of Yacolt, County of Clark, State of Washington  
 all interest in the following described Real Estate:

See Exhibit "A" attached hereto and incorporated  
 herein by this reference

257678 1-16-85

*Shirley*

situated in the County of Clark, State of Washington.  
15th day of March, 1985.

Clyde Ray Spencer  
 Grantor(s)

333

STATE OF WASHINGTON,

County of Clark

ss. (Individual Acknowledgment)

I, Monroe D. Lindrum, Notary Public in and for the State of Washington,  
 do hereby certify that on this 15th day of March, 1985, personally  
 appeared before me Clyde Ray Spencer  
 to me known to be the individual described in and who executed the within instrument and  
 acknowledged that he signed the same as his free and voluntary act  
 and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 15th day of March  
 1985.

Monroe D. Lindrum  
 Notary Public in and for the State of Washington, residing at Vancouver in said County.



## EXHIBIT "A"

Beginning at a point in the center of the Vancouver-Yacolt Road at the intersection of said County Road and the East line of the Southwest quarter of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian, in Clark County, Washington; running thence Easterly 75 feet, more or less, along said County Road; thence South to the North bank of the East Fork of the Lewis River; thence Westerly along the North bank of said river 75 feet, more or less; thence North to the point of beginning; said tract to be 75 feet wide East and West.

ALSO, beginning at a point in the center of the County Road which is 75 feet East of the center line of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian; thence South to the North bank of the East Fork of the Lewis River; thence Easterly 25 feet, more or less, along the North Bank of said river; thence North to the center of the County Road; thence West to the point of beginning. Said tract to be 25 feet wide at any point.

ALSO, beginning at a point located in the center of the Yacolt-Battle Ground Highway; said point being on the East line of that certain tract of land at this date owned by Roy Lane and described as follows:

All that portion of the Southwest quarter of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian, lying North of the East Fork of the Lewis River in Clark County, Washington; thence South to the North Bank of said Lewis River; thence Westerly along the Lewis River 40 feet; thence North to the center of the above Yacolt-Battle Ground Highway; thence East 40 feet to the point of beginning.

## EXCEPT County Roads.

ALSO, The West 15 feet, measured at right angles to the West line thereof, of that portion of the Northwest quarter of Section 18, Township 4 North, Range 3 East of the Willamette Meridian in Clark County, Washington, described as follows:

BEGINNING at a point on the Southerly line of County Road No. 12 that is 1217.02 feet West of the East line of the Northwest quarter of said Section 18, said point being the Northwest corner of the Lawrence C. Larkin and Lila L. Larkin tract as described in deed recorded under Auditor's File No. G 553620; thence Westerly along the Southerly line of said County Road No. 12, a distance of 33 feet, more or less, to the Northeast corner of the Shirley J. Turley tract as described in deed recorded under Auditor's File No. 7709290041; thence South along the East line of said Turley tract to the North Bank of the East Fork of the Lewis River; thence Easterly along the North Bank of said River to the West line of the said Larkin tract; thence North along said West line, 99 feet, more or less, to the point of beginning.

FILED FOR RECORD  
CLARK CO. WASH.

AUG 16 4 04 PM '85

AUDITOR  
DAVID HICHERER



# EXHIBIT E



Kathleen Zellner <kathleen.zellner@gmail.com>

---

**Spencer**

1 message

---

Kathleen Zellner <kathleen.zellner@gmail.com>

Wed, Jan 9, 2013 at 5:00 PM

To: "Fetterly, Patricia (ATG)" <patriciaf1@atg.wa.gov>, Guy Bogdanovich <gbogdanovich@lldkb.com>, Jeff Freimund <JeffF@fjtlaw.com>

Dear Counsel,

I have attached a second supplemental disclosure pursuant to Rule 26(a)(1). I am disclosing Menona D. Landrum as witness I intend on calling at trial.

I am disclosing this witness as soon as possible after learning of the information provided in the disclosure.

As you recall, Shirley Spencer testified in her deposition on December 6 that Shirley gave Defendant Krause a quitclaim deed for the Spencer property, who then gave the deed to Defendant Davidson to have Ray sign while he was held at the jail. She testified that he initially refused to sign the deed, then signed it at a later date.

As a result of Shirley's deposition I have had an investigator attempt to locate and speak with the person who purportedly notarized Ray's signature on the deed. Today my investigator was finally able to locate and speak with Mrs. Landrum. She confirmed her employment with the sheriff's office, and that the signature on the deed is a forgery.

I will not object should you subpoena Mrs. Landrum to give a deposition. However, I also learned through my investigator that her husband is seriously ill, so her deposition would have to be scheduled with her husband's health in mind.

Sincerely,

Kathleen T. Zellner

--

Kathleen T. Zellner & Associates  
Esplanade IV  
1901 Butterfield Road  
Suite 650  
Downers Grove, Illinois 60515  
(630) 955-1212



Plaintiff's Second Supplemental Disclosure.pdf

340K

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY  
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING  
ATTORNEY FOR CLARK COUNTY JAMES  
M. PETERS, DETECTIVE SHARON KRAUSE,  
SERGEANT MICHAEL DAVIDSON, CLARK  
COUNTY PROSECUTOR'S OFFICE, CLARK  
COUNTY SHERIFF'S OFFICE, THE COUNTY  
OF CLARK and JOHN DOES ONE THROUGH  
TEN,

Defendants.

No. C11-5424BHS

**PLAINTIFF'S SECOND  
SUPPLEMENTAL  
DISCLOSURE PURSUANT TO  
FED.R.CIV.P. 26(a)(1)**

NOW COMES PLAINTIFF, Clyde Ray Spencer, by and through his attorneys,  
Kathleen T. Zellner & Associates, P.C., and makes the following Second Supplemental  
Disclosure Pursuant to Rule 26(a)(1):

**Second Supplemental Disclosure**

1. Menona D. Landrum  
10602 NE 19<sup>th</sup> Street  
Vancouver, Washington 98664-4384

Mrs. Landrum is expected to testify that in 1985 she worked at the Clark County  
Sheriff's Office in the civil division. Mrs. Landrum will testify that at that time she was a

PLAINTIFF'S SECOND SUPPLEMENTAL DISCLOSURE  
PURSUANT TO FED.R.CIV.P. 26(a)(1) (C11-5424BHS) — 1

Kathleen T. Zellner & Associates, P.C.  
LAW OFFICES  
1901 Butterfield Road  
Suite 650  
Downers Grove, Illinois 60515  
630.955.1212 main • 630.955.1111 fax



1 licensed notary public in the State of Washington. She will testify that she kept her notary  
2 stamp in an unlocked desk drawer at the Sheriff's Office.

3 Ms. Landrum is expected to testify concerning the signatures that are purported to be  
4 hers on the quitclaim deed for the property located at 17681 Lucia Falls Road, Yacolt,  
5 Washington. (Previously disclosed as bates number Spencer006062). Mrs. Landrum will  
6 testify that the signatures are forged. She will further testify that she never visited Ray Spencer  
7 at the Clark County Jail, that she did not witness him sign the quitclaim deed, and that she did  
8 not notarize his signature.  
9

10 Respectfully submitted,

11  
12 /s/ Kathleen T. Zellner  
13 Kathleen T. Zellner & Associates, P.C.  
14 Admitted *pro hac vice*  
15 1901 Butterfield Road  
16 Suite 650  
17 Downers Grove, Illinois 60515  
18 Phone: (630) 955-1212  
19 Fax: (630) 955-1111  
20 kathleen.zellner@gmail.com  
21 Attorney for Plaintiffs  
22  
23  
24  
25  
26  
27

DECLARATION OF SERVICE

I hereby certify that on January 9, 2013, I caused the foregoing to be served via email, and by U.S. mail by depositing a copy of same in the mailbox located at 1901 Butterfield Road, Downers Grove, Illinois, proper postage prepaid, to the attorneys of record as follows:

Patricia Campbell Fetterly Daniel J. Judge Robert M. McKenna Assistant Attorney General Torts Division PO Box 40126 Olympia, WA 98504-0116 Email: patriciafl@atg.wa.gov Attorneys for Defendant James M. Peters	
Guy Bogdanoich Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S. P.O. Box 11880 Olympia, WA 98508-1880 Email: gbogdanovich@lldkb.com Attorney for Defendant Sharon Krause	Jeffrey A. O. Freimund Freimund Jackson Tardif & Benedict Garratt, PLLC 711 Capitol Way South, Suite 602 Olympia, WA 98502 Email: jeffF@fjlaw.com Attorneys for Defendant Michael Davidson

/s/ Kathleen T. Zellner

Kathleen T. Zellner & Associates, P.C.  
 Admitted *pro hac vice*  
 1901 Butterfield Road  
 Suite 650  
 Downers Grove, Illinois 60515  
 Phone: (630) 955-1212  
 Fax: (630) 955-1111  
[kathleen.zellner@gmail.com](mailto:kathleen.zellner@gmail.com)  
 Attorney for Plaintiffs